

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES for the use and benefit of  
AWY HOLDINGS, INC., an Arizona  
corporation, d/b/a TEMPE MECHANICAL,

Case No.: 1:13-cv-00037 KG-SCY

Plaintiff,

vs.

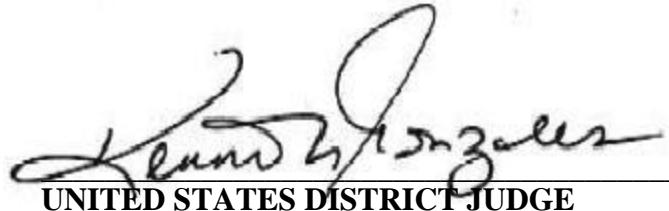
SMITH CONSTRUCTION  
MANAGEMENT, LLC, an Arizona limited  
liability company; and TRAVELERS  
CASUALTY & SURETY COMPANY OF  
AMERICA, a Delaware corporation,

Defendants.

**ORDER FOR DISMISSAL WITH PREJUDICE**

Pursuant to stipulation of the parties,

IT IS HEREBY ORDERED that this entire action, including all claims asserted by any party, be dismissed, with prejudice, with the parties bearing their own attorneys' fees and costs. Notwithstanding anything to the contrary in this Order, Merchants Bonding Company does not release any claims it has against Plaintiff for indemnity under the applicable indemnity agreements between Plaintiff and Merchants Bonding Company, including, but not limited to, its claim for attorneys' fees and costs.



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UNITED STATES DISTRICT JUDGE

Prepared and Submitted by:

JENNINGS, HAUG & CUNNINGHAM, L.L.P.

/s/ Matthew H. Sloan

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Surety Company of America and  
Smith Construction Management, LLC

Approved by:

ROYER LAW OFFICE, P.C.

/s/ Kenneth G. Royer – approved via e-mail October 21, 2014

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Approved by:

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/s/ Robert J. Berens – approved via e-mail October 21, 2014

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